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Packet No.: PF-0163-2 DIV

Response Under 37 C.F.R. 1.116 - Expedited Procedure

Examining Group 1642

## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 13, 2003

By: [Signature] Printed: D. Ellis

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bandman et al.

Title: NOVEL HUMAN SELENIUM-BINDING PROTEIN

Serial No.: 09/841,758

Filing Date: April 24, 2001

Examiner: Yaen, C.

Group Art Unit: 1642

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## TRANSMITTAL FEE SHEET

Sir:

Transmitted herewith are the following for the above-identified application:

1. Return Receipt Postcard;
2. Response to Final Office Action (9 pp.);
3. Courtesy copy of Return Receipt Postcard for Response to Office Action filed December 17, 2002;
4. Courtesy copy of Patent Application Transmittal filed April 24, 2001 (3 pp.); and
5. Notice of Appeal (1 pg.).

The fee has been calculated as follows:

| Claims   | Claims After Amendment | - | Claims Previously Paid For | = | Present Extra | Other Than Small Entity Rate | Fee | Additional Fee(s) |
|--|------------------------|---|----------------------------|---|---------------|------------------------------|-----|-------------------|
| Total  | 20                     | - | 20                         | = | 0             | x\$18.00                     | 0   | \$ 0              |
| Indept.  | 2                      | - | 3                          | = | 0             | x\$84.00                     | 0   | \$ 0              |
| First Presentation of Multiple Dependent Claims: |                        |   |                            |   |               | +280.00                      | 0   | \$ 0              |
| Total Fee:                                       |                        |   |                            |   |               |                              |     | \$ 0              |

X Fee for filing Notice of Appeal under 37 CFR 1.17(b): \$ 320.00X Please charge Deposit Account No. 09-0108 in the amount of : \$ 320.00

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

INCYTE CORPORATION

Date: June 13, 2003[Signature]

Susan K. Sather

Reg. No. 44,316

Direct Dial Telephone: (650) 845-4646

3160 Porter Drive

Palo Alto, California 94304

Phone: (650) 855-0555 or Fax: (650) 845-4166

27904

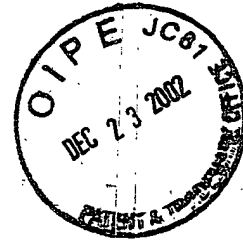


Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Mailed: December 17, 2002  
Docket No.: PF-0163-2 DIV.

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Applicants: Bandman et al.  
Serial No.: 09/841,758  
Filing Date: April 24, 2001  
Title: NOVEL HUMAN SELENIUM-BINDING PROTEIN



Enclosed are the following:

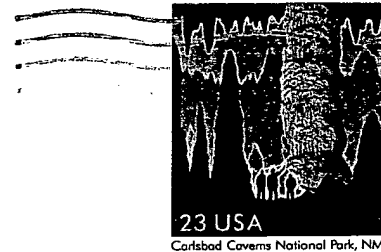
1. Return Receipt Postcard;
2. Fee Transmittal Sheet (1 pg., in duplicate);
3. Response to Office Action (37 pp.);
4. Reference Nos. 1-5;
5. Declaration of Lars Michael Furness Under 37 CFR 1.132 (13 pp.); and
6. Exhibits A-G (as noted in the Declaration of Lars Michael Furness).

SS/mmh

Method of Payment: Deposit Account

MR

Incyte Genomics, Inc.  
Patent Department  
JAN - 2 2003



Incyte Genomics, Inc.  
Legal Department  
3160 Porter Drive  
Palo Alto, CA 94304

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"Express Mail" mailing label number EL 856 153 389 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on 4/24/01

By: 

Printed: Teodoro Martinez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.09/088,641, filed on June 2, 1998, which is a divisional application of U.S. application Serial No. 08/749,903, filed November 15, 1996, issued June 2, 1998 as U.S. Patent No. 5,759,812, both entitled NOVEL HUMAN SELENIUM-BINDING PROTEIN.

1. X Enclosed is a specification corresponding to the prior application, U.S. Application Serial No.08/749,903 filed November 15, 1996, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the computer readable form of the Sequence Listing for the instant divisional application is identical with the substitute computer readable form filed April 9, 2001 with Serial No. 09/088,641, filed June 2, 1998, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the substitute computer readable form filed April 9, 2001 with U.S. Application Serial No. 09/088,641 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 21-34 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or

to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Olga Bandman and Phillip R. Hawkins.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on March 19, 1997 is enclosed.
6.     Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/088,641, filed June 2, 1998, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

| Claims   | Number Filed | Minus | Number Extra | Other Than Small Entity Rate |   | Basic Fee |
|--|--------------|-------|--------------|------------------------------|---|-----------|
|  |              |       |              |                              |   | \$710.00  |
| Total Claims                                   | 20           | -20   | 0            | x \$18                       | 0 | \$0       |
| Indep. Claims                                  | 2            | -3    | 0            | x \$80                       |   | \$0       |
| <u>   </u> Multiple Dependent Claim(s), if any |              |       |              | + \$270                      |   | \$0       |

**TOTAL FILING FEE \$ 710.00**

8.     An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 710.00.
- The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.
- A **duplicate** copy of this Request is enclosed.
10. X New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on July 1, 1997, at reel 8523/frame 0389.
12.     A preliminary amendment is enclosed.
13. X Also enclosed Information Disclosure Statement (2 pp., in duplicate); List of references cited

by Applicants.

14. X The power of attorney of the prior application is to:

|                      |                 |
|----------------------|-----------------|
| Lucy J. Billings     | Reg. No. 36,749 |
| Michael C. Cerrone   | Reg. No. 39,132 |
| Diana Hamlet-Cox     | Reg. No. 33,302 |
| Richard C. Ekstrom   | Reg. No. 37,027 |
| Barrie D. Greene     | Reg. No. 46,740 |
| Matthew R. Kaser     | Reg. No. 44,817 |
| Lynn E. Murry        | Reg. No. 42,918 |
| Shirley A. Recipon   | Reg. No. 47,016 |
| Susan K. Sather      | Reg. No. 44,316 |
| Michelle M. Stempien | Reg. No. 41,327 |
| David G. Streeter    | Reg. No. 43,168 |
| Stephen Todd         | Reg. No. 47,139 |
| Christopher Turner   | Reg. No. 45,167 |
| Peng Ben Wang        | Reg. No. 41,420 |

     The associate power of attorney in the prior application is to:

- a.      An associate power of attorney is attached.
- b.      Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

**INCYTE GENOMICS, INC.**  
**PATENT DEPARTMENT**  
**3160 Porter Drive**  
**Palo Alto, California 94304**  
**Phone: (650) 855-0555, Fax: (650) 845-4166**

Date: April 24, 2001

By:

Susan K. Sather

Susan K. Sather

Reg. No. 44,316

Direct Dial Telephone: (650) 845-4646

- Inventor(s)
- Assignee of complete interest
- X Attorney or agent of record
- Filed under 37 CFR 1.34(a)